

ZB# 96-27

Carmen Morfe

80-6-13

#96-27 - Morfe, Carmen - area

80-6-13

Heckin.

June 10, 1996.

Motion to Sched. P.H.

Photos of ^{Letters out} 5/21/97.

Notice
Admitted
5/21/97.

Deed & Feasit

Public Hearing:

April 14, 1997.

Area

Variance

Granted

Refund: \$207.50

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

16206

March 21 1997

Received from Michael & Carmex, Morfe \$50.00

Fifty and 00/100 DOLLARS

For Zoning Board, # 96-27

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CD #2510</u>		<u>50.00</u>

By Dorothy H. Hansen

Town Clerk
TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Moffe, Carmen

FILE # 96-27

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00 Paid
* * * * * ck # 2500

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 Paid
ck # 2512

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 6/10/96 - 3 pages \$ 13.50
2ND PRELIM. MEETING - PER PAGE 4/14/97 - 2 pages \$ 9.00
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 6/10/96 \$ 35.00
2ND PRELIM. \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

TOTAL \$ 92.50

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND DUE TO APPLICANT . \$ 207.50

(ZBA DISK#7-012192.FEE)

Date 7/50....., 1971.

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Currier House DR.

Carmen Morfe
350 Butterhill Drive

New Windsor, N.Y. 12553

Charge: ZBA

DATE

CLAIMED

ALLOWED

4/30/97

Refund of Escrow # 96-27

\$ 207.	50
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Approved: Patricia A. Bamhart
ZBA.

ZBA.

MICHAEL E. MORRIS
CARMEN P. MORRIS
350 BUTTERNUT ST
NEW WINDSOR, NY

29-7003/2213

2512

3/21 1997

\$ 300.00

Dollars

ALBANY
VAILS GATE OFFICE 24
ROUTE 32 AND OLD TEMPLE HILL
VAILS GATE, NEW YORK

For 25A-1027

2213700301 24 04941 31 2512

MICHAEL E. MORRIS
CARMEN P. MORRIS
350 BUTTERNUT ST
NEW WINDSOR, NY

29-7003/2213

2510

3/21 1997

Pay to the order of Town of New Windsor
Fifty only

\$ 50.00

ALBANY, FSB
VAILS GATE OFFICE 24
ROUTE 32 AND OLD TEMPLE HILL
VAILS GATE, NEW YORK

For 6A-1027

2213700301 24 04941 31 2510

In the Matter of the Application of

CARMEN MORFE

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#97-27.

WHEREAS, CARMEN MORFE, 350 Butternut Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 2 ft. side yard and 18 ft. rear yard variance for an existing above-ground pool located at the above residence in a CL-1 zone; and

WHEREAS, a public hearing was held on the 14th day of April, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board on her own behalf for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) The property is a one family home located in a neighborhood of one family homes.
 - (b) The variance is sought for an existing deck which surrounds an existing above-ground pool, an allowed use.
 - (c) It would be economically unfeasible for the Applicant to move or change the deck due to its substantial construction.

(d) The deck does not interfere with any course of water drainage or cause any ponding or accumulation of water.

(e) There are other similar pools and decks in the neighborhood.

(f) The deck is so situated that it does not interfere with any sight lines or pose a safety hazard.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless is warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for the reason that a pool and deck is a permissible accessory structure and it is located on the premises in the least intrusive place possible due to the nature and location of the property.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and is the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 2 ft. side yard and 18 ft. rear yard variance for an existing deck and pool located at the above-referenced property in a CL-1 zone as sought by the Applicants in accordance with

plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 23, 1997.

S/ James Nugent
Chairman

Date 4/14/97, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 N. Drury Lane DR.
Newburgh, NY 12550

TE			CLAIMED	ALLOWED
#17	Zoning Board Meeting		75 00	
	Misc - 3			
	Santillo - 3			
	Tarsio - 3			
	Petro Metals - 4			
	Lo Martere - 3			
	Morfe - 2	9.00		
	Lanthier - 2			
	Dietz - 3			
	23 pgs		103 50	
	<i>James Wright</i>		178 50	

MORFE, CARMEN

MR. NUGENT: Request for 2 ft. side yard and 18 ft. rear yard variances for existing above-ground pool at 350 Butterhill Drive in a CL-1 zone. Is there anyone in the audience for that? Let the record show there is no one.

Mrs. Carmen Morfe appeared before the board for this proposal.

MRS. MORFE: We're here to obtain a two foot side yard variance, 18 foot rear yard variance for existing pool, we had attached our deck to the pool. It would be economically infeasible for us to move it, it would be a horror, our neighbors don't mind, it's most of our neighbors have similar situations so I don't, nobody has ever voiced any complaints to us.

MR. KRIEGER: Deck is so constructed, it's on footings, pillars or something in the ground?

MRS. MORFE: Yes. As you can see from the photo most of the neighbors have pools with decks, some of our immediate neighbors have similar situations, they have no objections to us and our variance requests.

MR. KRIEGER: Does the deck interfere with any course of water drainage?

MRS. MORFE: No.

MR. KRIEGER: Cause any ponding of water?

MRS. MORFE: No, not at all. The property is not flat and the whole entire property goes from rear to front downward, the whole property flows down all towards the front of the house.

MR. KRIEGER: Substantially unchanged by the existence of this deck that way before that?

MRS. MORFE: Right.

MR. TORLEY: No sewer easements or anything?

MRS. MORFE: No.

MR. REIS: Pat, did you receive any negative comments from the neighbors?

MS. BARNHART: Haven't heard anything, 48 letters went out.

MR. KRIEGER: This deck has already been built, did you measure to see what variances you would require?

MRS. MORFE: We were told if we had a variance for the pool, we automatically have the variances for the deck cause the pool is closer to the side yard and closer to the rear than the deck.

MR. TORLEY: Deck is not attached to the house?

MRS. MORFE: Yes, attached to the house and the pool.

MR. NUGENT: Are there any further questions?

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MR. REIS: I make a motion that we grant the Morfe family their requested variances for the above ground pool at 350 Butternut Drive.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Prelim.
June 10, 1996
#96-27

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: APRIL 25, 1996

APPLICANT: MICHAEL AND CARMEN MORFE
350 BUTTERNUT DRIVE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MARCH 3, 1995
FOR (BUILDING PERMIT):EXISTING 4FT. ABOVE GROUND POOL..
LOCATED AT:350 BUTTERNUT DRIVE

ZONE: CLI

DESCRIPTION OF EXISTING SITE: SECTION: 80, BLOCK: 6, LOT: 13
IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. POOL DOES NOT MEET REQUIRED REAR YARD DEPTH OR REQUIRED SIDE
YARD DEPTH.

Ernst Schmitt
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: CLI USE		
REQ'D SIDE YD 12FT.	10FT.	2FT.
REQ'D REAR YD. 40FT.	22FT.	18FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Michael E & Carmen P. Morfe
Address 350 Butternut Drive Phone 565 0016
Name of Architect _____
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the W side of Bellmont Dr
(N.S.E. or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated CL Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 80 Block 6 Lot 13
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition EXISTING Alteration 4 Repair _____
Removal _____ Demolition _____ Other POOL - ABOVE GROUND
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? _____
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee \$50 -
(to be paid on this application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

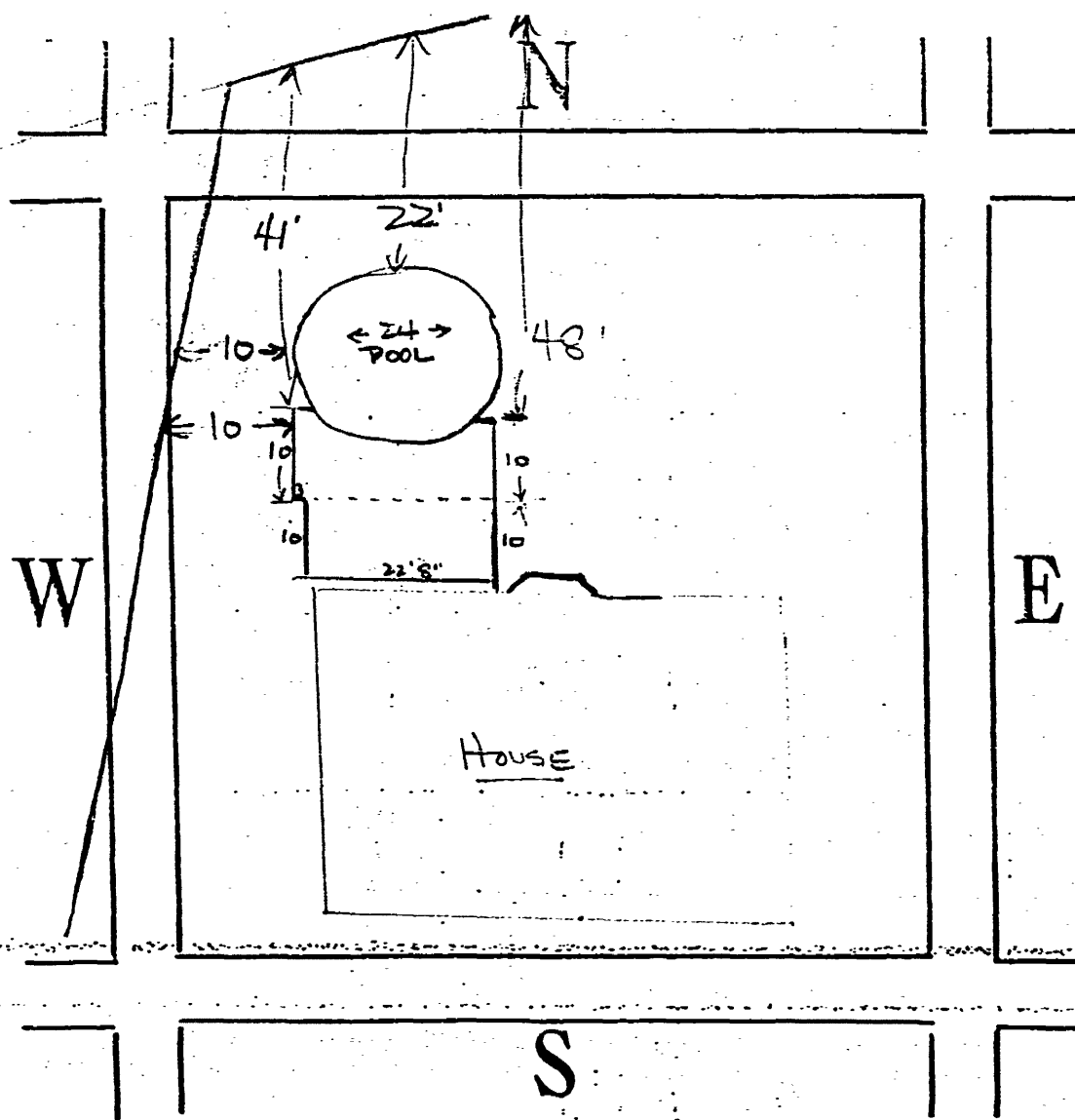
(Signature of Applicant)

(Address of Applicant)

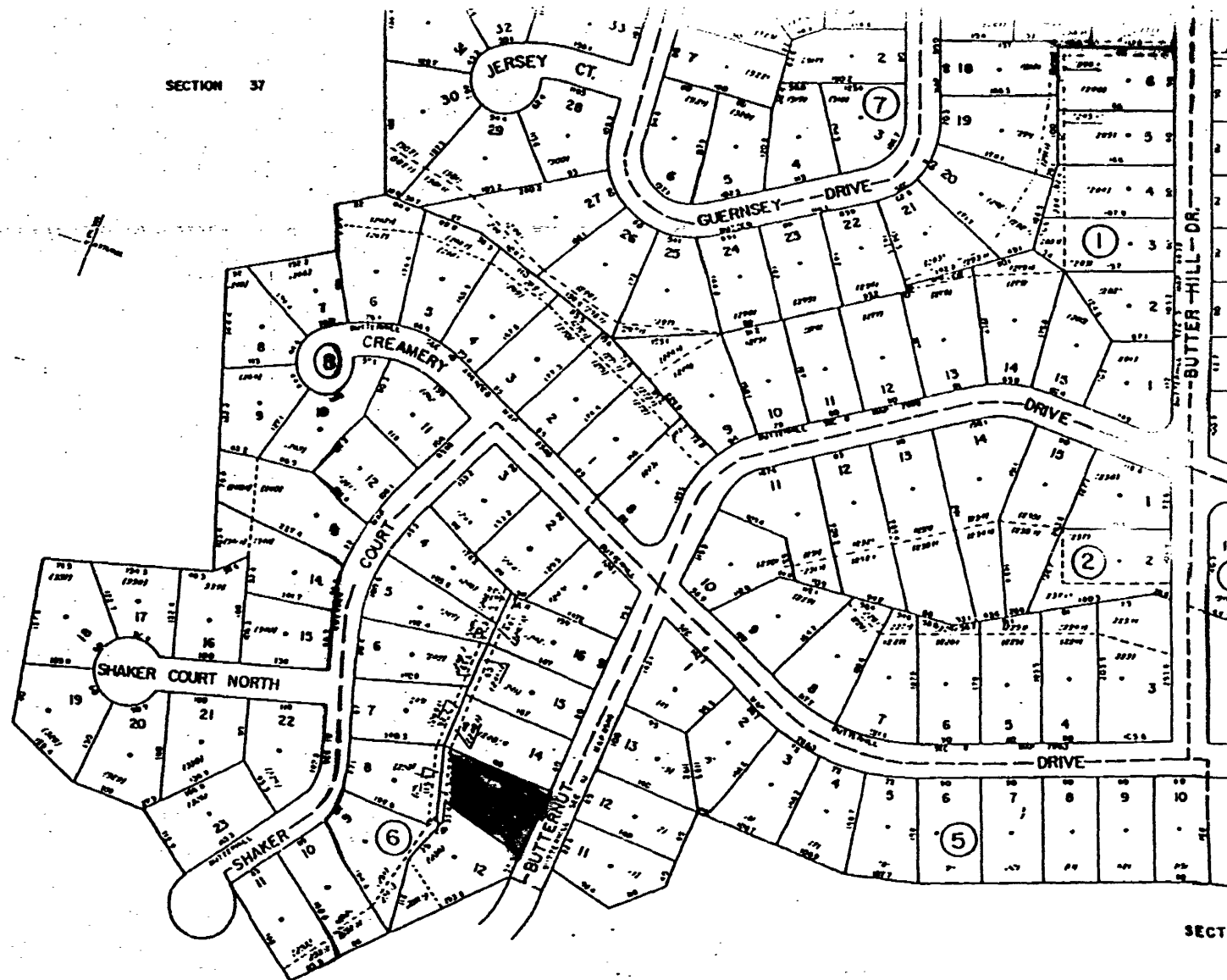
PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

A. must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 37



SECTION

LEGEND

ADDITIONAL LOTS	PAVED PLANE LANE	100' WIDE BLACK TOP	PAVED PLANE DRIVE
ADDITIONAL LOTS	PAVED PLANE LANE	100' WIDE BLACK TOP	PAVED PLANE DRIVE
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ADDITIONAL LOTS	PAVED PLANE LANE	100' WIDE BLACK TOP	PAVED PLANE DRIVE
ADDITIONAL LOTS	PAVED PLANE LANE	100' WIDE BLACK TOP	PAVED PLANE DRIVE

ORANGE COUNTY-NEW YORK

Photo No. 10-3233 Date of Map 9-10-84
 Date of Photo 3-1-63 Date of Revision 3-1-91
 Scale 1" = 50'

TOWN OF N.

Section No.

prepared by
 TAX MAP COMPT.
 ALBANY, N. Y. 12242
 PURPOSES ONLY
 NOT FOR CONVEYANCE

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Carmen Morfe

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

96-27.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

on March 21, 1997, I compared the 48 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
21st day of March, 1997.

Deborah O'Neil
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)

Pls. publish asap. Send bill to Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 27

Request of Carmen Morfe & Michael Morfe

for a VARIANCE of the Zoning Local Law to permit:

existing above-ground pool w/ insufficient side &
rear yards;

being a VARIANCE of Section 48-12-Table of Use/Bulk
Reqs. - Col. F & G

for property situated as follows:

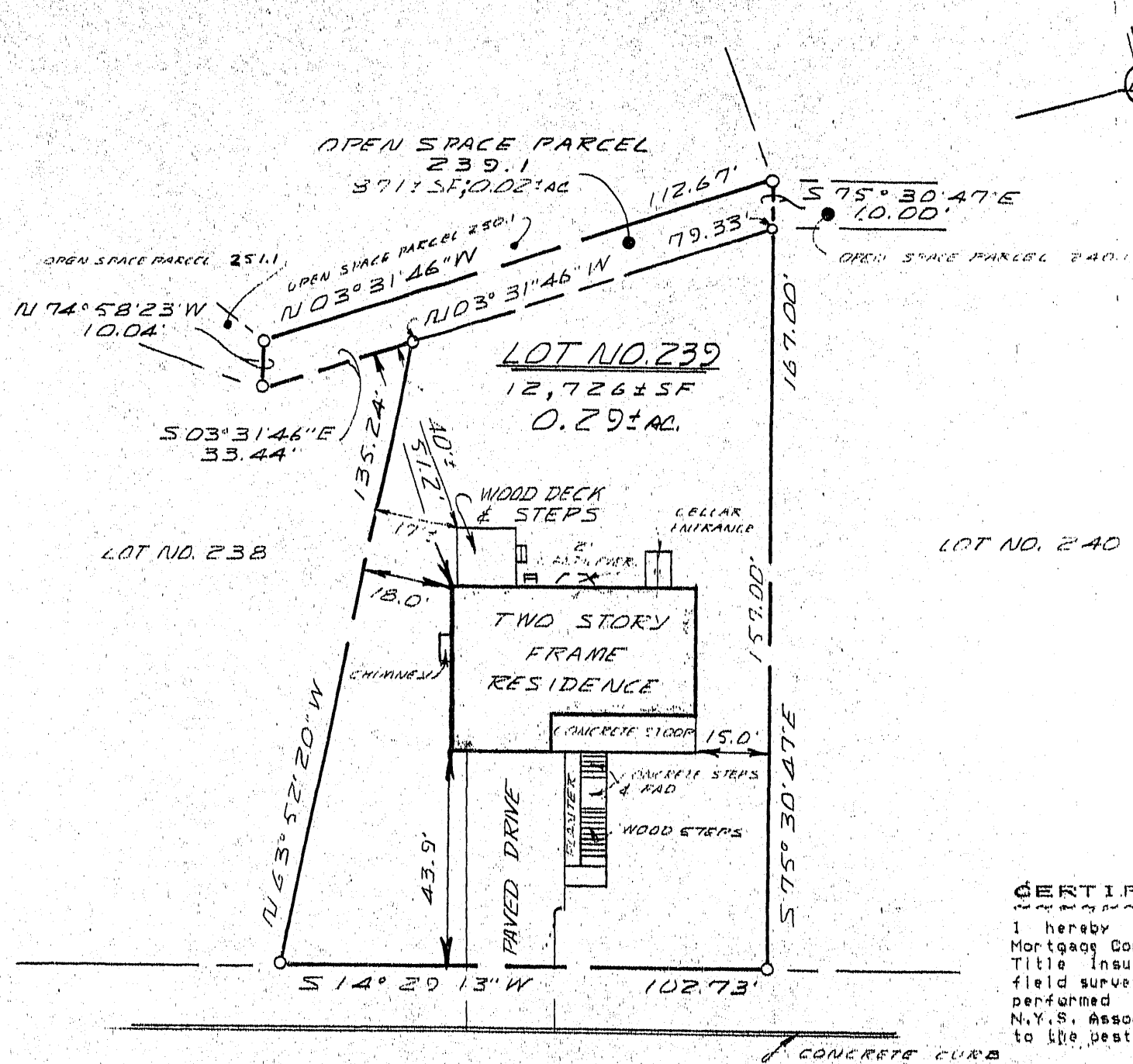
350 Butternut Drive, New Windsor, N.Y. 12553

known as tax lot Section 80 Block 6 Lot 13.

SAID HEARING will take place on the 14th day of April,
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

By: Patricia A. Barnhart, Secy.



CERTIFICATION

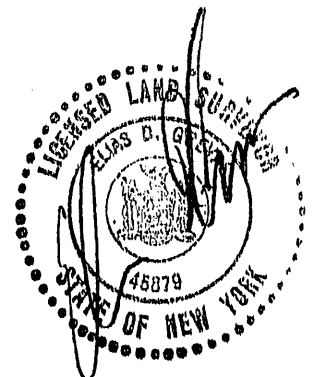
I hereby certify to Michael E. Morfe, Carmen P. Morfe, Norstar Mortgage Corporation, its successors and/or assigns and Chicago Title Insurance Company that this plan resulted from an actual field survey of the indicated premises completed on 18 July 1988 performed in accordance with the Code of Practice adopted by the N.Y.S. Association of Professional Land Surveyors Inc., and is, to the best of my knowledge and belief, correct.

GENERAL NOTES

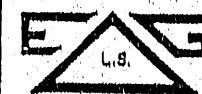
1. Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's seal is a violation of Section 7209 (2) of the New York State Education Law.
2. Only copies from the original of this survey, marked with an original of land surveyor's inked seal, shall be considered to be valid true copies.
3. Certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon and is not transferable to additional institutions or subsequent owners.

SPECIAL NOTES

1. Being Lot No. 239 & Open Space Parcel No. 239.1, as shown on a entitled "Butter Hill Section 10", said map having been filed in the Orange County Clerk's Office on 13 November 1987 as Map No. 8585.
2. Offsets shown are at right angles to the property lines unless otherwise noted.
3. No certification is made for items not visible at ground surface at time of the survey.
4. This survey was prepared prior to receipt of a Title Report or Abstract of Title, and is therefore subject to easements and other grants not visible, if any.



BUTTERNUT DRIVE



ELIAS D. GREVAS, L.S.
LAND SURVEYOR
33 QUASSACK AVENUE
NEW WINDSOR, NEW YORK 12550

SURVEY FOR:

MICHAEL E. MORFE
& CARMEN P. MORFE

REVISIONS:	
DATE	DESCRIPTION

TOWN OF NEW WINDSOR	ORANGE COUNTY	NEW YORK
Drawn: <i>ELG</i>	BOUNDARY/LOCATION SURVEY	
Checked: <i>WPA</i>		
Scale: 1" = 30'		
Date: 19 July 1988		
Job No: 88-067		

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

96-27.

Date: 3/21/97.

I. ✓ Applicant Information:

- (a) Michael & Carmen Morfe, 350 BUTTERNUT Dr. New Windsor
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) CL-1 350 BUTTERNUT Drive 80-6-13 .29 Ac
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? 8/88.
- (e) Has property been subdivided previously? NO.
- (f) Has property been subject of variance previously? NO.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____
- _____
- _____

IV. Use Variance. MA

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

^{N/A}
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

^{N/A}
(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk. Regs., Col. F & G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd. <u>12</u>	<u>10</u>	<u>2</u>
Reqd. Rear Yd. <u>40</u>	<u>22</u>	<u>18</u>
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio**	_____	_____
Parking Area	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

✓ whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Meets general TOWN Rules but NOT CL-1 rules,
unaware of CL-1 rules at building, CL-1 variances
granted in Butterhill estate does NOT have adverse
effect or impact on neighborhood

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

N/A
(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

N/A
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

✓ upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Trees, landscaping and fencing have been installed
in new development house to create aesthetically
appealing house in higher level

IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 3/21/97

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Charles P. Wolfe
(Applicant)

Sworn to before me this

21st day of March, 1997.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

ANDOOM DEVELOPMENT CO., INC.

MICHAEL E. MORFE ^{TO}
CARMEN P. MORFE

RECORD AND RETURN TO:
(Name and Address)

CARIDAD PINEIRO SCORDATO, ESQ.
Abelman, Frayne, Rezac & Schwab
708 Third Avenue
New York, NY 10017-4141

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. **061047** DATE **8-18-88** AFFIDAVIT FILED **19**

INSTRUMENT TYPE: DEED XXX MORTGAGE SATISFACTION ASSIGNMENT OTHER

BG20 Blooming Grove
CH22 Chester
CO24 Cornwall
CR26 Crawford
DP28 Deerpark
GO30 Goshen
GR32 Greenville
HA34 Hamptonburgh
HI36 Highland
MK38 Minisink
ME40 Monroe
MY42 Montgomery
MH44 Mount Hope
NT46 Newburgh (T)
NW48 New Windsor ✓
TU50 Tuxedo
WL52 Wallkill
WK54 Warwick
WA56 Wawayanda
WO58 Woodbury
MN09 Middletown
NC11 Newburgh
PJ13 Port Jervis
9999 Hold

SERIAL NO.
Mortgage Amount \$
Exempt Yes No
3-6 Cooking Units Yes No
Received Tax on above Mortgage
Basic \$
MTA \$
Spec. Add. \$
TOTAL \$

CHECK ✓ CASH CHARGE

MORTGAGE TAX \$
TRANSFER TAX \$ 858-

RECORD. FEE \$ 17-
REPORT FORMS \$ 5-
CERT. COPIES \$

MARION S. MURPHY
Orange County Clerk

by:

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 29th day of Aug 19 88 at 11:30
O'Clock 4 M. in Liber/Film 2998
Filed at page 143 and examined.
Marion S. Murphy

County Clerk

RECEIVED

\$ 858.00
REAL ESTATE
AUG 29 1988
TRANSFER TAX
ORANGE COUNTY

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT -- THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 18th day of August, nineteen hundred and Eighty-eight
BETWEEN

ANDOOM DEVELOPMENT CO., INC., a New York corporation, having its principal place of business located at No. 33 Sweet Briar Road, Stamford, CT 06905,

party of the first part, and

MICHAEL E. MORFE AND CARMEN P. MORFE, husband and wife, both residing at 30 Woodpecker Lane, Levittown, New York 11756,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----TEN-----

-----(\$10.00)----- dollars,

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of New Windsor, Orange County, New York, being more particularly described as Lot #239 and #239.1 as shown on a map entitled "Final Subdivision Plan, Section 10, Butter Hill" and filed in the Orange County Clerk's Office on November 13, 1987 as Map No. 8585, and more particularly described on the attached Schedule "A".

8585
80-6-13

PROVIDED that the parcel identified as Lot No. 239.1 shall not be built upon and shall not be used for the computation of municipal setback requirements. Lot #239.1 is restricted as an ever-green area.

TOGETHER WITH A RIGHT-OF-WAY over those portions of Shaker Court, Shaker Court North and Creamery Drive as shown on the above-noted map.

BEING a portion of the premises described in that certain deed dated the 21st day of December, 1987 from GEORGE R. KROM, JR. AND DONALD T. KROM to ANDOOM DEVELOPMENT CO., INC., which deed was recorded in the Orange County Clerk's Office on the 10th day March, 1988 in Liber 2904 of Deeds at page 78.

SUBJECT to covenants, easements and restrictions of record, if any, and any notes on the filed map.

This deed is given in the usual course of corporate business of the party of the first part and does not exhaust or substantially deplete the assets of the corporation.

All that certain piece or parcel of land lying, situate and being in the Town of New Windsor, Orange County, New York, known as Lot No. 239 and Open Space Parcel No. 239.1 as shown on a map entitled "Butter Hill Section 10" said map having been filed in the Orange County Clerk's Office on 13 November 1987 as Map No. 8585 being more particularly described as follows:

Lot No. 239

BEGINNING at a point in the westerly line of Butternut Drive where said line is intersected by the division line between Lot No. 238 and Lot No. 239 running thence, the following courses:

1. Along said division line N 63° 52' 20" W, 135.24' to a point;
2. Along the division line between Open Space Parcel No. 239.1 and Lot No. 239, N 3° 31' 46" W, 79.33' to a point;
3. Along the division line between Lot No. 239 and Lot No. 240, S 75° 30' 47" E, 157.00' to a point in the westerly line of Butternut Drive;
4. Along said line S 14° 29' 13" W, 102.73' to the point or place of BEGINNING.

CONTAINING 12.726 square feet or 0.29 Acres of land, more or less

Open Space Parcel No. 239.1

BEGINNING at a point in the division line between Lot No. 238 and Lot No. 239 said point being N 63° 52' 20" W, 135.24' as measured along said division line from its intersection with the westerly line of Butternut Drive running thence, the following courses:

1. Along the division line between Lot No. 238 and Open Space Parcel No. 239.1, S 3° 31' 46" E, 33.44' to a point;
2. Along the division line between Open Space Parcel No. 239.1 and Open Space Parcel No. 251.1, N 74° 58' 23" W, 10.04' to a point;
3. Along the division line between Open Space Parcel No. 239.1 and Open Space Parcel No. 250.1, N 3° 31' 46" W, 112.67' to a point;
4. Along the division line between Open Space Parcel No. 239.1 and Open Space Parcel No. 240.1, S 75° 30' 47" E, 10.00' to a point;
5. Along the division line between Open Space Parcel No. 239.1 and Lot No. 239, S 3° 31' 46" E, 79.33' to the point or place of BEGINNING.

CONTAINING 1,072 square feet or 0.02 Acres of land, more or less.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

RECORDED
INDEXED
JAN 17 1936
LIBRARY OF THE
CITY OF NEW YORK
COUNTY OF NEW YORK

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

ANDOOM DEVELOPMENT CO., INC.



Gerrit V. Lydecker
BY: GERRIT V. LYDECKER, President

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me
personally came .

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE

On the 18th day of August 1988, before me personally came GERRIT V. LYDECKER to me known, who, being by me duly sworn, did depose and say that he resides at No. 33 Sweet Briar Road, Stamford, CT 06905 ; that he is the President of ANDOOM DEVELOPMENT CO., INC.

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Richard M. Barker
RICHARD M. BARKER

BERNARD M. BAKER
 Attorney at Law, State of New York
 (Qualified in Orange County)
 Tel. No. 486-6666
 Commencement Expires March 28, 1989

ss: | STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me
personally came .

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No. ;
that he knows ;

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

ANDOOM DEVELOPMENT CO., INC.

TO

MICHAEL E. MORFE and
CARMEN P. MORFE

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

CARIDAD PINEIRO SCORDATO, ESO.
Abelman, Frayne, Rezac & Schwab
708 Third Avenue
New York, NY 10017-4141
Zip No.

Reserve this space for use of Recording Office.

LIBER 2998 PAGE 147



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

1763

July 22, 1996

45

Carmen Morfe
350 Butternut Dr.
New Windsor, NY 12553

Re: Tax Map Parcel: # 80-6-13

Dear Ms. Morfe:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00 leaves a balance due of \$40.00.

Sincerely,

L. Cook (cad)

LESLIE COOK
Sole Assessor

/cad
Attachment

cc: Patricia A. Barnhart, ZBA

Noble, James R. & Maureen P.
340 Butternut Drive
New Windsor, N. Y. 12553

Burns, Michael J. & Joanne E.
104 Creamery Drive
New Windsor, N. Y. 12553

Puleo, Frank & Gayann
106 Creamery Drive
New Windsor, N. Y. 12553

Olivo, Joseph T. & Weiss, Cynthia I
108 Creamery Drive
New Windsor, N. Y. 12553

Feinstein, Joel & Gloria
335 Butternut Drive
New Windsor, N. Y. 12553

Moore, Charles A. & Raelynn Engan
333 Butternut Drive
New Windsor, N. Y. 12553

Cantori, Denis & Mary
Prel Gardens
Apartment 5-E
Orangeburg, N. Y. 10962

Casey, John L. & Geralyn M.
111 Creamery Drive
New Windsor, N. Y. 12553

Hubbard, Mavourneen A. & James T., Sr.
109 Creamery Drive
New Windsor, N. Y. 12553

Niforopulos, Carmen
107 Creamery Drive
New Windsor, N. Y. 12553

Ryan, Kieran D.
105 Creamery Drive
New Windsor, N. Y. 12553

Kopman, Robert & Jamene
345 Butternut Drive
New Windsor, N. Y. 12553

Leight, John V. & Susan G.
343 Butternut Drive
New Windsor, N. Y. 12553

Ubriaco, Michael J. & Kathleen
341 Butternut Drive
New Windsor, N. Y. 12553

Quinn, Francis E. & Shannon, Nancy T.

342 Butternut Drive
New Windsor, N. Y. 12553

Oates, Michael & Josephine
117 Creamery Dr.
New Windsor, NY 12553

Hoey, Leonard
1 Shaker Court
New Windsor, N. Y. 12553

Pullano, Anthony & Pauline
3 Shaker Court
New Windsor, N. Y. 12553

Arcaro, Vincent & Sandra
5 Shaker Court
New Windsor, N. Y. 12553

Duquette, James R. & Judy A.
7 Shaker Court
New Windsor, N. Y. 12553

Perretti, Donald J. & Gina
9 Shaker Court
New Windsor, N. Y. 12553

Villafane, Rafeal E. & Linda
11 Shaker Court
New Windsor, N. Y. 12553

Foschini, Errol
13 Shaker Court
New Windsor, N. Y. 12553

Stone, Howard & Kathleen
15 Shaker Court
New Windsor, N. Y. 12553

Zimmerman, Robert P. & Mary Ellen
17 Shaker Court
New Windsor, N. Y. 12553

Cleeves, James A., Jr. & Linda
352 Butternut Drive
New Windsor, N. Y. 12553

Herlihy, Dennis & Mayer, Susan
348 Butternut Drive
New Windsor, N. Y. 12553

Cazzolla, Keith & Karen
346 Butternut Drive
New Windsor, N. Y. 12553

Lubarsky, Donald & Joann
344 Butternut Drive
New Windsor, N. Y. 12553

Maiello, Joseph, Jr. & Bonnie
116 Creamery Drive
New Windsor, N. Y. 12553

Schorno, James A.
118 Creamery Drive
New Windsor, N. Y. 12553

Chang Ching-Chin & Jessie Kuo
PO Box 127
Morris Plains, NJ 07950

Petronzio, Mark D. & Barbara
2 Shaker Court
New Windsor, N. Y. 12553

Cabrera, Ronald & Marie A.
4 Shaker Court
New Windsor, N. Y. 12553

Lakritz, Mark N. & Sheila J.
6 Shaker Court
New Windsor, N. Y. 12553

Sims, Edwin L. & Anastasia M.
8 Shaker Court
New Windsor, N. Y. 12553

Kuo, Livingston & Miaw-Hwa, Susan
235 Blooming Grove Tpk.
New Windsor, N. Y. 12553

Seto, Wing & Lois
104 Shaker Court North
New Windsor, N. Y. 12553

Harrison, Glen C. & Laura Kay
106 Shaker Court North
New Windsor, N. Y. 12553

Kane, Michael S. & Patricia A.
105 Shaker Court North
New Windsor, N. Y. 12553

Dolan, Raymond P. & Virginia M.
103 Shaker Court North
New Windsor, N. Y. 12553

Hannon, Thomas M. & Kathleen A.
101 Shaker Court North
New Windsor, N. Y. 12553

Cossavella, Dominick & Irmgard
14 Shaker Court
New Windsor, N. Y. 12553

Lafayette Paper LP
754 Forge Hill Road

New Windsor, N. Y. 12553

Town of New Windsor
555 Union Avenue
New Windsor, N. Y. 12553

Order of St. Helena
P. O. Box 426
Vails Gate, N. Y. 12584

Date 6/20/96, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

to Frances Roth 147 Sycamore Dr DR.
New Windsor, NY 12553

DATE			CLAIMED		ALLOWED
6/18/96		Zoning Board Meeting	75	00	
		Misc - 2			
		Belle - 1			
		Cuttica - 3			
		Monaco - 1			
		Monaco 13.50			
		Schultz - 4			
		Castro - 5			
		Teper - 2			
		Lindemann - 4			
		Petronella - 4	166	50	
		37 pp	241	50	

~~MORFE, CARMEN~~

MR. NUGENT: Request for 2 ft. side yard and 18 ft. rear yard variance for existing pool at 35 Butternut Drive in a CL-1 zone.

Mr. Michael Morfe appeared before the board for this proposal.

MR. MORFE: I am Carmen's husband's, Carmen couldn't be here tonight. We're asking for a variance for an existing pool and deck in this zone.

MR. NUGENT: Deck or pool?

MR. MORFE: We were informed if we asked for both at the same time, it would show up as a pool variance.

MR. KANE: Do you have a diagram showing the layout?

MR. KRIEGER: Says existing, how long has it existed?

MR. MORFE: It's about 5 years.

MR. NUGENT: Existing for five years?

MR. MORFE: Yes.

MR. KANE: Request for two yard said variances are ten foot off the side property.

MR. MORFE: Yes.

MR. CANE: I bring to light that Butterhill is different than the rest of the town, we thought we were told that it was ten foot and construction was there but it's actually 12 in that particular area so a lot of residents over there.

MS. BARNHART: We have seen a lot of them, all of them actually.

MR. NUGENT: Do you want to see this, Mike and Mike?

MR. KANE: Yes.

MR. KRIEGER: Now, did you get at the time these were put up, did you get building permits?

MR. MORFE: On the deck, the deck is actually a modification to the existing deck that was there so that was a building permit for that when the deck, when the pool was put up, we did not have a building permit, we weren't aware there was a building permit required for the pool.

MR. NUGENT: Above-ground pool?

MR. MORFE: Yes.

MR. KRIEGER: What brought you here?

MR. MORFE: Well, we were, last year we were informed that we were delinquent in our zoning and building permits so that was brought to light, we brought this up last year. Unfortunately, we had some personal problems, we didn't meet the timing last year so this spring we decided to do it again.

MR. KRIEGER: Was there any refinancing involved or sale?

MR. MORFE: We're interested in selling the house and so once that was, once we inquired about being interested in selling the house, then this was brought up.

MR. TORLEY: Many if not most of your neighbors are in the same kind of situation out there. So one of the things that you are going to have to do is send out letters to them all and as I tell almost every applicant, the letter tends to be kind of unclear so you are asking for a certain string of letters with the town code, it helps to put what it is about so they know you're not putting up a television tower or something like that.

MR. TORLEY: Motion on this matter?

MR. NUGENT: Yes.

MR. TORLEY: I move we set up Mr. and Mrs. Morfe for their public helping for their requested variances.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KANE: When you come to the public hearing, good to bring some photographs of how everything lays there, that helps.

MR. TORLEY: If there's not a fence on your property line or something, maybe a stake out there to show where the property is.

MR. MORFE: There's a fence.

MR. KRIEGER: When you make the application, there are standards which the board must consider according to state law and I have written them down here, if you would take that with you and address yourself to the standards there as you make the application, it would be easier for the board. Again, these come from the state law, they are not anything created here.

MR. MORFE: Thank you.